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Paper No.

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DEC 20 2004

OFFICE OF PETITIONS

In re Application of
Michael Tobin, Timothy Richter,
Hemant Mody, Michael Ronzello and
Dean Robarge
Application No. 10/708,448
Filed: March 4, 2004
Attorney Docket No. 41PR-133546
(GEN-0350)
Title: METHOD AND APPARATUS FOR
MAGNETICALLY TRIPPING CIRCUIT
BREAKERS

DECISION ACCORDING STATUS
UNDER 37 C.F.R. § 1.47(a)

This is in response to the "REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 CFR 1.47(a)," filed November 22, 2004.

The petition is **GRANTED**.

The above-identified application was filed on March 4, 2004, without a declaration executed by all of the joint inventors. In response to the "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted (Notice)," mailed May 21, 2004, on August 2, 2004, applicants filed the initial petition.

However, the petition was dismissed for failure to show that inventor Mody had refused to join in the application and for failure to submit an acceptable declaration. Petitioner had not demonstrated that a *bona fide* attempt had been made to present a copy of all of the application papers (specification, including claims, drawings, and oath or declaration) to the non-signing inventor. The declaration did not appear to include a proper citizenship for inventor Mody.

Rule 47 applicants timely filed the instant renewed petition. In support of the request for reconsideration, applicants submitted a supplemental declaration of attorney David Arnold, which attests to having sent inventor Mody, the entire application package with a declaration for signature; a copy of the cover letter transmitting the application papers to inventor Mody; a Memo to File written by the assistant to the attorney, Mary Forcier, documenting her conversation with inventor Mody about having received the mailing; a copy of an email from FedEx to Ms. Forcier, noting delivery of the express mail package to

inventor Mody; and a copy of an email from Scott Lucas to attorney Arnold, stating that "I understand from Hemant that at this time he will not be signing anything."

In addition, applicants submitted a declaration executed by inventors Tobin, Richter, Ronzello and Robarge on behalf of themselves and on behalf of non-signing inventor Mody. The declaration included inventor Mody's citizenship.

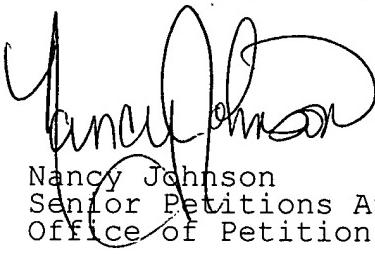
The petition is now in compliance with 37 C.F.R. §1.47(a). The declaration filed November 22, 2004 is in compliance.

This application is hereby accorded Rule 1.47(a) status.

As provided in new Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The application will be forwarded to Technology Center 2832 for examination in due course.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3219.



Nancy Johnson
Senior Petitions Attorney
Office of Petitions